

DOA
07/24/24

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America

v.

1. Benigno Armando Rios Pacheco, and,
(Count 3)
2. Janeth Karina Montoya Estrada.
(Counts 1-2)

CRIMINAL COMPLAINT

CASE NUMBER: 25-9327 MJ

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

On or about the dates described in Attachment A in the County of Maricopa in the District of Arizona, Defendant JANETH KARINA MONTOYA ESTRADA violated Title 18, U.S.C. Section 111(a), Assault on a Federal Officer – Physical Contact, and Defendants BENIGNO ARMANDO RIOS PACHECO and JANETH KARINA MONTOYA ESTRADA, violated Title 18, U.S.C. Sections 111(a) and (b), Assault on a Federal Officer – Bodily Injury.

See Attachment A – Description of Counts

I further state that I am a Special Agent (SA) for Federal Bureau of Investigation (FBI), and that this complaint is based on the following facts:

See Attachment B, Statement of Probable Cause, Incorporated by Reference Herein.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

AUTHORIZED BY: AUSAs Diamond Zambrano and Addison Owen



Digitally signed by ADDISON
OWEN
Date: 2025.07.24 19:47:18 -07'

SA Justin Swartz

Name of Complainant


Signature of Complainant

Sworn to telephonically before me

7/24/2025@8:25pm

Date

at Phoenix, Arizona

City and State

HONORABLE EILEEN S. WILLETT

United States Magistrate Judge

Name & Title of Judicial Officer



Signature of Judicial Officer

ATTACHMENT A
DESCRIPTION OF COUNTS

COUNT 1

Assault on a Federal Officer

On or about July 24, 2025, in the District of Arizona, Defendant JANETH KARINA MONTOYA ESTRADA did intentionally and forcibly assault, resist, oppose, impede, intimidate, and interfere with Drug Enforcement Administration (DEA) Special Agent (SA) T.G. who is an employee of the United States and protected as designated in 18 U.S.C. § 1114, while SA T.G. was engaged in and on account of the performance of his official duties, and Defendant JANETH KARINA MONTOYA ESTRADA did so by making physical contact, to wit: Push

All in violation of Title 18, United States Code, Section 111(a).

COUNT 2

Assault on a Federal Officer

On or about July 24, 2025, in the District of Arizona, Defendant JANETH KARINA MONTOYA ESTRADA did intentionally and forcibly assault, resist, oppose, impede, intimidate, and interfere with Drug Enforcement Administration (DEA) Special Agent (SA) J.Z. who is an employee of the United States and protected as designated in 18 U.S.C. § 1114, while SA J.Z. was engaged in and on account of the performance of his official duties, and Defendant JANETH KARINA MONTOYA ESTRADA did so causing Bodily injury, to wit: Contusion and Abrasion.

All in violation of Title 18, United States Code, Sections 111(a) and (b).

COUNT 3

Assault on a Federal Officer

On or about July 24, 2025, in the District of Arizona, Defendant BENIGNO ARMANDO RIOS PACHECO did intentionally and forcibly assault, resist, oppose, impede, intimidate, and interfere with Drug Enforcement Administration (DEA) Special Agent (SA) J.D. who is an employee of the United States and protected as designated in 18 U.S.C. § 1114, while SA J.D. was engaged in and on account of the performance of his official duties, and Defendant BENIGNO ARMANDO RIOS PACHECO did so causing Bodily Injury, to wit: Shoulder Injury.

All in violation of Title 18, United States Code, Sections 111(a) and (b).

ELECTRONICALLY SUBMITTED STATEMENT OF PROBABLE CAUSE

I, Justin Swartz, a Special Agent with Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows, to wit:

PRELIMINARY BACKGROUND INFORMATION

1. I am a Special Agent with the FBI assigned to the Phoenix Division. I have been so employed for eight years, and I am currently assigned to the Violent Crimes and Major Offenders Squad. As a Special Agent, I have been responsible for conducting federal and international investigations relating to crimes involving the sexual exploitation of children, crimes involving assaults on federal officers, bank robberies, kidnappings, and other violent crimes. I have received basic, advanced, and on-the-job training in these investigations. The statements contained in this Affidavit are based on my experience and background as a Special Agent and on information provided by other law enforcement agents.

2. Because this Affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that are necessary to establish probable cause to believe that violations of 18 U.S.C. §§ 111(a) and (b) were committed by BENIGNO ARMANDO RIOS PACHECO and JANETH KARINA MONTOYA ESTRADA.

SUMMARY

3. On or about July 24, 2025, Special Agents from the Drug Enforcement Administration (DEA) were conducting surveillance of BENIGNO ARMANDO RIOS PACHECO (“RIOS”) in relation to administrative immigration enforcement operations, which is within their scope of official duties.

4. In the vicinity of 11821 N. 28th Dr. Phoenix, AZ, agents tried to take RIOS into custody during a traffic stop. JANETH KARINA MONTOYA ESTRADA (“MONTOYA”) arrived at the scene and was aggressive with the agents, pushed an agent (Count 1), and actively resisted arrest by erratic movements causing injury to an agent (Count 2).

5. While handcuffed, RIOS also began throwing his elbows and bodyweight into the agents (Count 3).
6. Two agents were injured by RIOS and MONTROYA.
7. In this affidavit, I believe there is probable cause to believe that both RIOS and MONTROYA assaulted federal agents in violation of 18 U.S.C. §§ 111(a) and (b).

DETAILS OF THE INVESTIGATION

8. On July 24, 2025, agents with the Drug Enforcement Administration were investigating a previously identified subject, BENIGNO ARMANDO RIOS PACHECO (RIOS). RIOS was wanted by ICE for being illegally present in the United States. In preparation for the surveillance DEA agents had become aware of a warrant out of Mexico involving theft of a vehicle with a firearm. Therefore, they considered RIOS armed and dangerous.
9. During all relevant times, SA J.D., SA T.G., and SA J.Z. were engaged in the performance of their official duties.
10. At approximately 4:40AM DEA Special Agent (SA) J.D. and SA T.G. began surveillance at an apartment located at 11821 N. 28th Dr. Phoenix, AZ, in an attempt to locate and identify RIOS.
11. Upon initiating their surveillance, the agents identified the vehicle associated with RIOS, a black Chevy sedan. SA J.D. and SA T.G. continued surveillance, until approximately 5:35AM, when RIOS exited the apartment and walked towards the black Chevy sedan.
12. RIOS, however, approached a silver Chevy sedan, previously unknown to investigators. RIOS entered the silver Chevy sedan alone and began to drive to exit the apartment complex parking lot.
13. A third agent, SA J.Z., arrived when RIOS turned southbound onto 28th Drive. SA J.Z. turned on his lights and initiated a front block of the silver Chevy sedan. SA J.D. and SA T.G. engaged their vehicle's law enforcement lights and initiated a traffic stop from behind the silver Chevy sedan.

14. SA J.D.'s, SA T.G.'s, and SA J.Z.'s vehicles all displayed law enforcement lights on the front, rear, and sides of their vehicles. RIOS stopped his vehicle. SA J.Z., SA J.D., and SA T.G., were wearing law enforcement protective vests with law enforcement identifiers/placards on both their front and back sides. The agents identified themselves as law enforcement and gave commands to RIOS to exit the vehicle. SA J.D. and T.G. took RIOS into custody. SA J.D. handcuffed RIOS. RIOS complied with law enforcement commands.

15. SA T.G. moved RIOS to an area behind the agents' law enforcement vehicles. At this time, a black sedan pulled up aggressively and at a high rate of speed, towards the agents. Two individuals exited the black sedan, one was later identified as JANETH KARINA MONTOYA ESTRADA (MONTOYA) and the other is believed to be MONTOYA's son¹ (UNSUB).

16. MONTOYA exited from the passenger side of the sedan and UNSUB exited from driver side. Both MONTOYA and UNSUB aggressively approached the three agents. UNSUB and MONTOYA had their phones out and were screaming in Spanish at the agents. MONTOYA approached SA J.Z. and got extremely close to his face, person, and duty belt, containing his weapon, making SA J.Z. feel extremely uncomfortable.

17. SA J.Z. attempted to deescalate the situation and calmly asked MONTOYA to back up and give SA J.Z. space. MONTOYA refused to comply with SA J.Z.'s commands to back up and continued to scream extremely close to SA J.Z.'s face. SA J.Z. walked away from MONTOYA to see if the black sedan was still running and a potential threat to the agents. SA J.Z. observed that the vehicle was not running, and the keys were not in the ignition. SA J.Z. asked MONTOYA and UNSUB to move the black sedan, as it was impeding a law enforcement arrest and investigation. MONTOYA and UNSUB refused to move the vehicle and continued to act aggressively towards agents.

18. MONTOYA aggressively approached SA T.G. and made physical contact by pushing him with her phone in her hand. (Count 1)

¹ In a post *Miranda* interview of Rios, he identified the other person as MONTOYA's son. MONTOYA also refers to him as "her son."

19. At this point, SA J.Z. and T.G. informed MONTOYA that she was under arrest. Upon trying to place MONTOYA into handcuffs, MONTOYA resisted and went to the ground. MONTOYA then began moving around erratically, actively resisting being handcuffed by the agents. As a result of MONTOYA's erratic movements, SA J.Z. sustained an injury to his left knee and his ankle. (Count 2)

20. Once SA T.G. and SA J.Z. were able to handcuff MONTOYA, they escorted her to SA J.Z.'s vehicle, and placed MONTOYA in the front passenger seat, buckling her seat belt.

21. When the black sedan pulled up and SA J.Z. and T.G. were engaged with MONTOYA, RIOS began struggling and resisting with SA J.D. RIOS was handcuffed behind his back and began throwing his elbows and body weight attempting to strike SA J.D. SA J.D. felt concerned for his safety, and believed RIOS was trying to harm him and flee. RIOS and SA J.D. went to the ground. SA J.D. used his body weight to subdue RIOS. During the struggle SA J.D. injured his left shoulder. (Count 3)

22. SA J.Z. then attempted to assist SA J.D., who was now struggling with RIOS. Before SA J.Z. could assist SA J.D., SA T.G. yelled that MONTOYA was running away.

23. SA J.Z. caught MONTOYA and escorted her back to his vehicle, buckling her again, and remained with her to ensure she could not flee again.

24. During this time, MONTOYA began to say in Spanish "help me, help me, I need to get to my son" and pointed to UNSUB. MONTOYA then showed SA J.Z. injuries MONTOYA sustained to her elbows and knees. SA J.Z. observed abrasions on MONTOYA's knees and elbows that were caused when MONTOYA was resisting.

25. MONTOYA began to plead with SA J.Z. to let her go. She began to stroke SA J.Z.'s leg, in a suggestive manner, pleading for SA J.Z. to let her go. SA JZ told MONTOYA in English, "stop touching my leg." SA J.Z. felt extremely uncomfortable and disgusted by the gesture. MONTOYA stopped stroking SA J.Z.'s leg and her demeanor changed. MONTOYA began yelling at her son in Spanish.

26. At this time Phoenix PD marked units arrived and provided scene security.

27. ICE ERO officer M.S. arrived and took custody of MONTOYA, placing her in his vehicle, and transported MONTOYA to the ICE ERO Processing Center at 2335 N. Central Ave, Phoenix, AZ. SA J.D. transported RIOS in SA J.D.'s vehicle to the ICE processing center. MONTOYA and RIOS were turned over to ICE G4S, for processing.

28. While at the ICE Processing Center, SA J.Z. realized that MONTOYA's blood had made contact with his skin, specifically on his arms and hands. SA T.G. observed MONTOYA's blood on his pants.

Interview of JANETH KARINA MONTOYA ESTRADA

29. MONYOYA refused to answer questions and requested legal counsel. MONTOYA consented to having photos taken of her injuries.

Interview of BENIGNO ARMANDO RIOS PACHECO

30. RIOS was interviewed by Special Agents of the Federal Bureau of Investigation (FBI). RIOS was advised in Spanish of his *Miranda* rights, and he indicated that he understood them and wished to speak with Agents. RIOS was interviewed in Spanish.

31. After RIOS entered his vehicle on the morning of July 24, 2025, multiple vehicles with red and blue lights surrounded his vehicle, preventing him from driving. People who identified themselves as law enforcement asked RIOS to exit his vehicle. RIOS did not immediately exit his vehicle and instead called his girlfriend, MONTOYA.

32. An agent approached his vehicle, wearing placards that RIOS could not understand. The agent opened the driver side door and instructed RIOS to exit the vehicle. According to RIOS, he did not understand any of the commands by the agents, which were in English. RIOS stated that he only understands Spanish.

33. The agent asked RIOS for his identification, which he provided. Once the agent confirmed RIOS identity, the agent placed RIOS in handcuffs.

34. According to RIOS, his girlfriend, MONTOYA, crossed the street on foot and approached the traffic stop. MONTOYA told RIOS that the agents had to identify themselves and that RIOS should not get in the agent's vehicle.

35. MONTROYA was accompanied by her son. Both MONTROYA and her son were recording the incident on their phones. One of the agents then bear-hugged MONTROYA and took her to the ground. Another agent attempted to put RIOS into the vehicle, and RIOS resisted. The agents then took RIOS to the ground

36. After RIOS saw MONTROYA in handcuffs, RIOS complied with the agents and was placed inside the agent's vehicle.

37. All agents on scene were wearing green vests with yellow letters that he couldn't understand.

Injuries Sustained

38. SA J.Z. was transported by SA T.G. to St. Joseph's due to injuries to his knee and ankle. SA J.Z. received x-rays of his ankle and left Knee. Medical staff concluded he had a contusion and abrasion on his left knee, which caused swelling and pain. At the time of his interview, SA J.Z. was still experiencing pain in his knee while walking and sitting, which was causing him to limp when he walked. SA J.Z. was discharged from the hospital with no other injuries noted at that time.

39. SA J.D. sustained an injury to his left shoulder, causing pain, during the altercation with RIOS.

40. RIOS sustained abrasions to this right elbow, left thumb, and face.

41. MONTROYA was transported to St. Joseph's hospital to be evaluated for injuries sustained while she resisted arrest. MONTROYA was discharged from the hospital later in the day. MONTROYA is currently in ICE custody.

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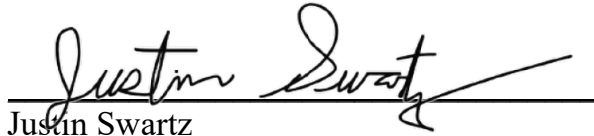
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Conclusion

42. Based on the foregoing, I believe that there is probable cause that BENIGNO ARMANDO RIOS PACHECO and JANETH KARINA MONTOYA ESTRADA assaulted federal agents violating 18 U.S.C. §§ 111(a) and (b).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin Swartz", is written over a horizontal line.

Justin Swartz
Special Agent
Federal Bureau of Investigation

Sworn and subscribed telephonically before me this ²⁴ day of July 2025.

A handwritten signature in black ink, appearing to read "E. Willett", is written over a horizontal line.

HONORABLE EILEEN S. WILLETT
United States Magistrate Judge